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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,743	09/29/2006	Yosuke Ando	01165.0965	4935
22852	7590	03/12/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER SWINNEY, JENNIFER B	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			03/12/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,743

**Applicant(s)**

ANDO ET AL.

**Examiner**

JENNIFER SWINNEY

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 3/18/08 12/19/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "74" has been used to designate both "anchoring piece, (Pg. 14, line 16)" and "stopper piece, (Pg. 14, line 22). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2003-39215 to Nakazawa et al. (Nakazawa).

In Re to Claims 1 and 18, Nakazawa teaches a material guide device (Fig. 4), a guide bush (Fig. 4, 100), a material introducing end and a material lead out end (Fig. 5), a hollow tubular material support section (Fig. 4, Para 0011) elastically displaceable

(Fig. 4) in a radial direction about an axis, an adjusting mechanism (Fig. 5) capable of adjusting a radial dimension of a material support section of a guide bush, a carrying member (Figs. 3,4), a front face (Fig. 4) disposed around a material lead out, a pressing member (Fig. 4, Para 0018) disposed near the front face of the carrying member and moveable relative to the carrying member and able to make a relative linear motion along a guiding axis relative to a guide bush, the pressing member causing an elastic displacement in a radial direction on a material support section by relative linear motion (Para 0019), a feed screw structure (Fig. 4) causing relative linear motion between a pressing member and a guide bush by a mutual screwing motion of threads (Fig. 4).

In Re to Claim 2, a manipulation section (Fig. 4) disposed near a front face of the carrying member at a position remote from a material introducing end of a guide bush, capable of manipulate a feed screw structure to cause motion (Fig. 4).

In Re to Claim 3, a feed screw structure (Fig. 4) is between a carrying member and a pressing member (Fig. 4).

In Re to Claim 4, a guide bush is secured relative to a carrying member in a direction along a guiding axis (Figs. 4,5).

In Re to Claim 5, a carrying member has an internal thread (Fig. 4), a pressing member has an external thread (Fig. 4, 46) adapted to be screw on an internal thread to constitute a feed screw structure (Fig. 4).

In re to Claim 6, a carrying member has an external thread (Fig. 4), a pressing member has an internal thread (Fig. 4, 46) adapted to be screw on an external thread to constitute a feed screw structure (Fig. 4).

In Re to Claim 7, a manipulating member (Fig. 4) disposed near a front face of a carrying member and adjacent to a pressing member, a feed screw structure is provided between a carrying member and a manipulating member (Fig. 4).

In Re to Claim 8, a guide bush (Fig. 4, 100) is secured relative to a carrying member in a rotational direction about an axis (Figs. 4,5, Para 0035).

In Re to Claim 9, a feed screw structure (Fig. 4) is provided between a pressing member and a guide bush (Fig. 4).

In Re to Claim 10, a guide bush is secured relative to a carrying member in a rotational direction about an axis (Figs. 4,5, Para 0035).

In Re to Claim 11, a feed screw structure is provided between a pressing member and a guide bush (Fig. 4).

In Re to Claim 12, a guide bush is secured relative to a pressing member in a rotational direction about a guiding axis (Figs. 4,5).

In Re to Claim 14, a fitting portion (Fig. 4) is provided between a carrying member and a pressing member capable of holding a carrying member and a pressing member in a coaxial arrangement relative to each other (Fig. 4, Para 0042, 0043). As defined by applicant, a "fitting portion" is a cylindrical inner circumferential surface between a front face and internal thread of the carrying member and a cylindrical outer surface between a face and an external thread of a pressing member capable of engaging in close contact in a slideable manner as representative in Fig. 4.

In Re to Claim 15, a fitting portion is provided between a carrying member and a guide bush (Fig. 4) capable of holding a carrying member and a guide bush in a coaxial arrangement.

In Re to Claim 16, a fitting portion is provided between a pressing member and a guide bush (Fig. 4) capable of holding a pressing member and a guide bush in a coaxial arrangement.

In Re to Claims 17 and 19, a material guide device is installed in proximity to a working location of machining an objective material (Fig. 5).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al. in view of JP 09-255702 to Tajima et al. (Tajima).

In Re to Claim 13, Nakazawa teaches a material guide device (Figs. 4,5), an adjusting mechanism (Fig. 4), but does not teach an anchoring member capable of inhibiting a screwing motion of a feed screw structure.

Tajima teaches an anchoring member (Abstract) capable of inhibiting a screwing motion of a feed screw structure.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide the material guide device of Nakazawa with an anchoring member

as taught by Tajima in order to inhibit motion of the feed screw. Anchoring members (for example, screws) are old and well known in the art to inhibit motion in a preferred direction. The anchoring members as taught by Tajima allow precise cutting of the work piece to occur in an axial direction once the feed screw is secured in a desired position. This increases the overall precision and cutting accuracy of the machining process.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication No. 20070224007, EP 408379, JP 04115804, US Patent No. 20050082770, US Patent Application Publication No. 20070227317, US Patent No. 4971339, US Patent No. 5207134, and US Patent No. 5207134.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571) 270-5843. The examiner can normally be reached on Monday-Friday, 7:30 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/  
Primary Examiner, Art Unit 3724

/JS/